

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Olivia Andrew, Page.

3RD ORDER

Approval of Journal

February 9, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 9, 2016

The Honorable Scott Bedke
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 425](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

February 8, 2016

Mr. Speaker:

I return herewith enrolled [H 365](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 365](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 8, 2016

Mr. Speaker:

I return herewith [H 384](#) and [H 344](#) which have passed the Senate.

NOVAK, Secretary

[H 384](#) and [H 344](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER

Report of Standing Committees

February 9, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 448](#) and [H 449](#).

WILLS, Chairman

[H 448](#) and [H 449](#) were referred to the Revenue and Taxation Committee.

February 9, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 363](#) and [H 364](#) to the Governor at 11:10 a.m., as of this date, February 8, 2016.

WILLS, Chairman

February 9, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 425](#) to the Governor at 12:55 p.m., as of this date, February 8, 2016.

WILLS, Chairman

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 426](#), [H 427](#), and [HCR 29](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 426](#), [H 427](#), and [HCR 29](#) were filed for second reading.

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 383](#) and [S 1215](#) and recommend that they do pass.

ANDRUS, Chairman

[H 383](#) and [S 1215](#) were filed for second reading.

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 355](#) and [H 356](#) and recommend that they do pass.

PALMER, Chairman

[H 355](#) and [H 356](#) were filed for second reading.

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [HCR 28](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[HCR 28](#) was placed on General Orders for consideration.

February 9, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [SCR 133](#) and recommend that it do pass.

LOERTSCHER, Chairman

[SCR 133](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 33

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE PUBLIC SCHOOL FUNDING FORMULA AND TO MAKE RECOMMENDATIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the current public school funding formula was enacted in 1994 and implemented in the 1994-95 school year; and

WHEREAS, the current formula did not contemplate a variety of different learning modalities, the increasing mobility of students and the state's move toward mastery-based education; and

WHEREAS, the evolving needs of exceptional and at-risk students make this an appropriate time for the state to review how the current funding formula meets the educational needs of these student populations; and

WHEREAS, the current formula should be evaluated to assess the level of predictability and stability that are needed by school districts in order to efficiently and effectively budget and educate students; and

WHEREAS, the Governor's Task Force for Improving Education recommended a change to the public school funding formula from Average Daily Attendance (ADA) to Average Daily Enrollment/Membership; and

WHEREAS, a Public School Funding Subcommittee of the Governor's Task Force concluded that rather than focus solely on funding based on attendance or enrollment, the entire formula needs a thorough review.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of and make recommendations for the state's public school funding formula. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and

assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Superintendent of Public Instruction and another member of the Idaho State Board of Education shall serve as voting non-legislative members of the committee.

BE IT FURTHER RESOLVED that non-legislative, voting or nonvoting members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Non-legislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses.

BE IT FURTHER RESOLVED that the Legislative Services Office, Office of the State Board of Education including the Public Charter School Commission, State Department of Education, Office of the Governor and Division of Financial Management shall provide staff support to the committee.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-fourth Idaho Legislature.

HOUSE CONCURRENT RESOLUTION NO. 34

BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING COMMUNITY WATER FLUORIDATION AS A GREAT PUBLIC HEALTH ACHIEVEMENT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, fluoridation of community water supplies is the single most effective public health measure to prevent tooth decay; and

WHEREAS, the Centers for Disease Control and Prevention has proclaimed community water fluoridation as one of the ten great public health achievements of the twentieth century; and

WHEREAS, studies prove water fluoridation continues to be effective in reducing dental decay by at least twenty-five percent in children and adults, even in the era of widespread availability of fluoride from other sources, such as fluoride toothpaste; and

WHEREAS, water fluoridation has been improving the health of American communities for over seventy years.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature recognizes community water fluoridation as a vitally important public health initiative.

[HCR 33](#) and [HCR 34](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 450

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CALCULATION OF THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 229,

LAWS OF 2015, TO REVISE PROVISIONS REGARDING THE CALCULATION OF THE EDUCATIONAL SUPPORT PROGRAM, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 33-1614, IDAHO CODE, RELATING TO READING ASSESSMENT; REPEALING SECTION 33-1615, IDAHO CODE, RELATING TO THE EXTENDED YEAR READING INTERVENTION PROGRAM; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1615, IDAHO CODE, TO PROVIDE FOR A READING ASSESSMENT AND RELATED PROVISIONS; REPEALING SECTION 33-1616, IDAHO CODE, RELATING TO EVALUATIONS AND INTERVENTIONS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1616, IDAHO CODE, TO PROVIDE FOR LITERACY INTERVENTION AND RELATED PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 451
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 33-1614, IDAHO CODE, RELATING TO READING ASSESSMENT; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1614, IDAHO CODE, TO PROVIDE FOR READING INSTRUCTION AND INTERVENTION AND RELATED PROVISIONS AND TO PROVIDE RULEMAKING AUTHORITY.

HOUSE BILL NO. 452
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE TRANSFER OF SICK LEAVE AND STATE EDUCATIONAL AGENCIES; AMENDING SECTION 67-5302, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5333A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TRANSFER OF ACCRUED SICK LEAVE FOR EMPLOYEES OF A STATE EDUCATIONAL AGENCY; AND AMENDING SECTION 33-1217, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCRUED UNUSED SICK LEAVE.

HOUSE BILL NO. 453
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO LICENSURE OF MEDICAL LABORATORY SCIENCE PRACTITIONERS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO PROVIDE QUALIFICATIONS FOR LICENSURE OF A MEDICAL LABORATORY SCIENTIST OR TECHNOLOGIST, TO PROVIDE QUALIFICATIONS FOR LICENSURE OF A MEDICAL LABORATORY TECHNICIAN, TO PROVIDE QUALIFICATIONS FOR LICENSURE OF A CATEGORICAL MEDICAL LABORATORY SCIENTIST, TO PROVIDE EXEMPTIONS, TO PROVIDE AUTHORITY FOR ENDORSEMENT LICENSURE, TO PROVIDE FOR RENEWAL OF LICENSURE, TO ESTABLISH FEES, TO PROVIDE FOR SUSPENSION AND REVOCATION OF LICENSURE AND REFUSAL TO RENEW, TO PROVIDE APPLICATION OF DUE PROCESS PROCEDURES, TO ESTABLISH THE MEDICAL LABORATORY BOARD

AND TO PROVIDE FOR APPOINTMENT, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE FOR EXPENSES AND DISPOSITION OF RECEIPTS, TO AUTHORIZE ADOPTION OF RULES, TO SPECIFY APPLICATION PROCEDURES AND TO PROHIBIT MISREPRESENTATION.

HOUSE BILL NO. 454
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE
AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2201, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 55-2202, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 22, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2203, IDAHO CODE, TO ESTABLISH A DAMAGE PREVENTION BOARD IN THE DIVISION OF BUILDING SAFETY; AMENDING CHAPTER 22, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2204, IDAHO CODE, TO PROVIDE FOR A DAMAGE PREVENTION BOARD FUND; AMENDING SECTION 55-2203, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY NOTIFICATION REQUIREMENTS PRIOR TO EXCAVATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2204, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR JURISDICTION BY THE DAMAGE PREVENTION BOARD OVER CERTAIN PERSONS; AMENDING SECTION 55-2205, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 55-2206, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY CERTAIN RESPONSIBILITIES, TO PROVIDE FOR LIABILITY FOR THE COST OF REPAIRS, TO AUTHORIZE RULEMAKING REGARDING THE PROCESSING OF CLAIMS AND TO REQUIRE THE REPORTING OF DATA; AMENDING SECTION 55-2207, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CLARIFY DUTIES OF ENTITIES ISSUING BUILDING, EXCAVATION AND OTHER PERMITS; AMENDING SECTION 55-2208, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 55-2209, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO AUTHORIZE THE DAMAGE PREVENTION BOARD TO REVIEW ALLEGED VIOLATIONS, TO MAKE ADMINISTRATIVE DETERMINATIONS AND TO IMPOSE ADMINISTRATIVE PENALTIES ON VIOLATORS; AMENDING SECTION 55-2210, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO REVISE THE DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY.

HOUSE BILL NO. 455
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE APPLE COMMISSION; AMENDING SECTION 22-3601, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 22-3603, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE DEFINITIONS; REPEALING SECTION 22-3604, IDAHO CODE, REGARDING THE IDAHO APPLE COMMISSION; AMENDING CHAPTER 36, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-3604, IDAHO CODE, TO PROVIDE FOR THE IDAHO APPLE

COMMISSION; AMENDING SECTION 22-3705, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE COMMISSION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 456
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO GRAPES AND WINE; AMENDING SECTION 54-3610, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAX ON THE PRODUCTION OF WINE AND TAX ON CERTAIN GRAPES AND GRAPE JUICE.

HOUSE BILL NO. 457
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-402C, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONDITIONS UNDER WHICH SPECIAL PLATE PROGRAMS SHALL BE DISCONTINUED AND TO MAKE TECHNICAL CORRECTIONS.

[H 450](#), [H 451](#), [H 452](#), [H 453](#), [H 454](#), [H 455](#), [H 456](#), and [H 457](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER

Second Reading of Bills and Joint Resolutions

[HCR 32](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[H 445](#) and [H 446](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 432](#), by Business Committee, was read the second time by title and filed for third reading.

[S 1233](#), by Finance Committee, was read the second time by title and filed for third reading.

11TH ORDER

Third Reading of Bills and Joint Resolutions

Mr. Barbieri asked unanimous consent that [H 370](#) be returned to the Business Committee. There being no objection, it was so ordered.

[H 431](#) - TAXATION

[H 431](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Trujillo to open debate.

The question being, "Shall [H 431](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Malek, McCrostie, McMillan, Mendive, Miller, Monks, Moyle, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Redman, Romrell, Rudolph, Scott, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wood, Youngblood, Mr. Speaker. Total – 55.

NAYS – Chew, Erpelding, Gannon, Jordan, King, Kloc, Luker, McDonald, Nate, Pence, Rubel, Rusche, Shepherd, Sims, Wintrow. Total – 15.

Total – 70.

Whereupon the Speaker declared that [H 431](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 374](#) - CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE

[H 374](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chew to open debate.

The question being, "Shall [H 374](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – Scott. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 374](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 375](#) - HEALTH CARE TASK FORCE

[H 375](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood to open debate.

The question being, "Shall [H 375](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Packer, Palmer, Perry, Raybould, Redman, Romrell, Rubel, Scott, Shepherd, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wood, Youngblood, Mr. Speaker. Total – 61.

NAYS – Erpelding, Jordan, Nielsen, Nye, Pence, Rudolph, Rusche, Smith, Wintrow. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 375](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 405 - FIRE PROTECTION DISTRICTS

H 405 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hixon to open debate.

The question being, "Shall **H 405** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that **H 405** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER
Announcements**

Announcements were made to the body.

**16TH ORDER
Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 10, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:49 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk